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Application No. 10/756,778 – Amendment filed July 11, 2006

AMENDMENTS TO THE CLAIMS:

This listing of claims will replace prior versions and listings of claims in the application:

Claim 3 and 9 were amended. Claims 1-2, 4-8 and 14-15 are cancelled. Claims 9-13 are withdrawn from consideration. Underlines indicate insertions and ~~strikethrough~~ indicate deletions.

Listing of claims:

Claims 1-2. (cancelled)

Claim 3. (currently amended) An isolated activated Cry polypeptide exhibiting cytotoxic activity against human cancer cells comprising a sequence having at least 97% identity with the complete amino acid sequence in SEQ ID NO: 8, with the proviso that said polypeptide ~~is not constituted~~ does not consist of the amino acid sequence as set forth at positions 232 to 723 of SEQ ID NO: 18.

Claims 4-8.(cancelled)

Claim 9. (withdrawn) A method of modulating the level of cry31Aa2 active protein in a cell comprising a modulation of the level or activity of the ~~sequence SEQ ID NO: 8~~polypeptide of claim 3.

Claim 10. (withdrawn) A method of using a polypeptide of claim 3 for lysing a human cancer cell.

Claim 11. (withdrawn) The method as recited in claim 10 wherein the cells are selected from the group consisting of HELA, TCS, HL-60, Jurkat, and Hep-G2 cells.

Claim 12. (withdrawn) A method of testing the cytotoxicity of a polypeptide as defined in claim 3 against a candidate cancer cell comprising

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determining the EC50 of the polypeptide on the candidate cell, wherein the polypeptide is characterized as possessing cytotoxicity against the candidate cell if the EC50 of the polypeptide against the candidate cell is measurably lower than that against a normal T cell.

Claim 13. (withdrawn) A method for lysing a human cancer cell comprising applying a cytotoxic amount of a polypeptide of claim 3 on a human cancer cell.

Claims 14-15. (cancelled)

Claim 16. (previously presented) An isolated polypeptide as recited in claim 3, wherein said polypeptide comprises an amino acid sequence as set forth in SEQ ID NO: 13.

Claim 17. (previously presented) An isolated polypeptide as recited in claim 3, wherein said polypeptide comprises an amino acid sequence as set forth in SEQ ID NO: 15.

Claim 18. (previously presented) An isolated polypeptide as recited in claim 3, wherein said polypeptide comprises an amino acid sequence as set forth in SEQ ID NO: 8.

Claim 19. (previously presented) An isolated polypeptide as recited in claim 3, wherein said polypeptide comprises an amino acid sequence as set forth in SEQ ID NO: 12.

Claim 20. (previously presented) An isolated polypeptide as recited in claim 3, wherein said polypeptide comprises an amino acid sequence as set forth in SEQ ID NO: 14.

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Claim 21. (previously presented) An isolated polypeptide as recited in claim 3, wherein said polypeptide comprises an amino acid sequence as set forth in SEQ ID NO: 2.

Claim 22. (previously presented) An isolated polypeptide as recited in claim 3, wherein said polypeptide comprises an amino acid sequence of a crystal protein contained in the *Bacillus thuringiensis* strain in the deposit at the International Depository Authority of Health Canada in Winnipeg under accession number IDAC010201-5.